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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,813	02/29/2000	Thomas Hanebrink	473-009270-US(PAR)	1352

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EXAMINER
LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 04/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/515,813	Applicant(s) HANEBRINK, THOMAS	
	Examiner Jacques H. Louis-Jacques	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 February 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Continued Prosecution Application

1. The request filed on February 28, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/515,813 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Amendment

2. Along with the filing of continued prosecution application (CPA) on the present application has amended claim and added new claim 14.

In particular, applicant amended the claim to include the limitations that "the traffic messages are sorted in accordance to the determined distances" and the traffic messages sorted according [the] distances "are output" starting with the smallest distance. Claim 14 recites similar limitations in addition to "the distances determined are assigned to the traffic messages.

An explanation of the rejection is set forth below.

Drawings

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The drawings are objected to because the boxes must be labeled. For example, in figure 1, item 11 should be labeled "Mobile Phone".

Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumizawa [6,185,503] in view of Summer [5,173,691].

Sumizawa discloses a navigation system reports on a traffic control point and a traffic jam location by voice on a route, various types of traffic information are received by an FM multiplex receiver. If the received traffic information set, the distance from the current position to the tail end of the traffic jam location is calculated and is reported by voice through a speaker. A means for route setting that sets a route to a destination, a position detection device that detects a current position, a reception device that receives traffic information from outside and a reporting device that, when the traffic information received by the reception device indicates that there are a plurality of locations which may constitute a hindrance to traveling on the route that has been set, calculates the distances from the current position detected by the detection device to the locations that may constitute a hindrance and then issues a voice report on the nearest one. The length of the traffic jam may be reported in addition to the distance to the traffic jam location. When there is a plurality of traffic jam locations or traffic control points, a voice report

may be issued on all of them. Only traffic jam locations or traffic control points that are within a specific distance from the current position may be reported. Also, according to Sumizawa, the traffic messages or locations are outputted based on their distances to the current position of the vehicle. *Figure 5 of Sumizawa shown the distances between the different traffic locations and the vehicle location. Based on the determined distances, traffic messages related to traffic locations are sorted or classified. See "Traffic jam classification" column of figure. Figures 7, 8, and 9 show similar features (limitations). According to Sumizawa, traffic locations (messages) are sorted or classified based on their distances to the vehicle position. Also, it is clear that a traffic message is supplied based on its distance to the vehicle. Also, the closest traffic message to the vehicle is supplied or outputted. However, it could argue that only one distance or traffic message is supplied at on time to the driver. Summer, on the other hand, discloses a data fusion process for an in-vehicle traffic congestion information system, wherein traffic information for a plurality of sources are gathered and collected. According to Summer, a traffic communication system supplies traffic information or messages to a driver of a vehicle. According further to Summer, traffic information (messages) is gathered along with the locations (geographical coordinates) of the traffic. In addition, as set forth in column 6, congestion or traffic information is reported to the vehicle driver based on the proximity (distance) of the vehicle to the congestion (traffic), wherein "the nearest congestion messages are reported first". Still as described in column 13, lines 51-53, "messages my be presented in order of cell distance from the vehicle such that closer messages are received first." Thus, it would have been obvious to one skilled in the art at*

the time of the invention to be motivated to modify the navigation system of Sumizawa by incorporating the features from the traffic information system of Summer because such modification, as suggested by Summer, will provided a system will provide traffic information relevant to a vehicle travel path, thereby effectively assisting the driver in avoiding congestion (traffic).

6. Claims 1-14 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al [5,933,094] in view of Summer [5,173,691].

Goss et al discloses a device for editing and outputting information for a motor vehicle, wherein there is provided a receiver for digitally coding traffic messages. According to Goss et al, the traffic messages are stored along with the locations of the traffic. The location of the vehicle is compared to the locations of the traffic messages. There is provided a Global Positioning System GPS for determining the positions of the vehicle. The direction of the vehicle is also determined. See column 1. The device according to Goss et al is such that it does not provided unnecessary traffic messages that are not relevant to the driver. In accomplishing this, the device of Goss et al outputs traffic messages based on distance of the present location of the vehicle and the traffic location. See column 2. Also, the traffic messages are updated in accordance with predefined time periods. As further described in columns 7 and 8, the traffic messages and/locations are outputted according to some kind of priority or weight (resistance value) associated with the distances between the present location of the vehicle and the locations of the traffic. Goss et al does not particularly teach that the priority is distance

and wherein the traffic message with the smallest distance is outputted first. *Summer, on the other hand, discloses a data fusion process for an in-vehicle traffic congestion information system, wherein traffic information for a plurality of sources are gathered and collected. According to Summer, a traffic communication system supplies traffic information or messages to a driver of a vehicle. According further to Summer, traffic information (messages) is gathered along with the locations (geographical coordinates) of the traffic. In addition, as set forth in column 6, congestion or traffic information is reported to the vehicle driver based on the proximity (distance) of the vehicle to the congestion (traffic), wherein "the nearest congestion messages are reported first". Still as described in column 13, lines 51-53, "messages my be presented in order of cell distance from the vehicle such that closer messages are received first." Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the device of Goss et al by incorporating the features from the traffic information system of Summer because such modification, as suggested by Summer, will provided a system will provide traffic information relevant to a vehicle travel path, thereby effectively assisting the driver in avoiding congestion (traffic)*

Response to Amendment

7. The amendments along with the arguments filed along with the request for Continued Prosecution Application (CPA) have been entered and carefully considered by the examiner.

The objection to the drawings is maintained since drawing correction has yet to be submitted.

Applicant contended that the prior art does not teach, "traffic messages are sorted in accordance to the determined distances, and the traffic messages sorted according to distance are output starting with the smallest distance." Applicant asserted that "Sumizawa merely calculates the distance between traffic hindrances and the vehicle, determined the nearest hindrance, and only present that hindrance to the driver." Applicant argued, in responses at page 4, according to Sumizawa, "only the nearest traffic hindrance is issued to the driver." Whereas, according to the present application, "the traffic information is sorted according to the distance to the vehicle and then output in the sorted order". Based on this, "the driver of a vehicle is not only informed about the nearest traffic hindrance but also the following traffic hindrance", response at page 5. Emphasis added.

Figure 5 of Sumizawa shown the distances between the different traffic locations and the vehicle location. Based on the determined distances, traffic messages related to the traffic locations are sorted or classified. See "Traffic jam classification" column of figure. Figures 7, 8, and 9 show similar features (limitations). According to Sumizawa, traffic locations (messages) are sorted or classified based on their distances to the vehicle position. Also, it is clear that a traffic message is supplied based on its distance to the vehicle. Also, the closest traffic message to the vehicle is supplied or outputted.

However, it could argue that only one distance or traffic message is supplied at on time to the driver. To compensate for this deficiency in Sumizawa, the patent to Summer has been applied.

Summer discloses a data fusion process for an in-vehicle traffic congestion information system, wherein traffic information for a plurality of sources are gathered and collected. According to Summer, a traffic communication system supplies traffic information or messages to a driver of a vehicle. According further to Summer, traffic information (messages) is gathered along with the locations (geographical coordinates) of the traffic. In addition, as set forth in column 6, congestion or traffic information is reported to the vehicle driver based on the proximity (distance) of the vehicle to the congestion (traffic), wherein "the nearest congestion messages are reported first". Still as described in column 13, lines 51-53, "messages my be presented in order of cell distance from the vehicle such that closer messages are received first."

Similar arguments and responses thereto have been made regarding the Goss patent.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,164,904	Summer	Nov. 1992
5,459,665	Hikita et al	Oct. 1995
6,111,521	Mulder et al	Aug. 2000
6,163,751	Van Roekel	Dec. 2000
6,255,963	Heimann et al	Jul. 2001
6,266,607	Meis et al	Jul. 2001

6,285,279 Yamazaki Sep. 2001

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 8:30 AM - 5:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Jacques H. Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj
March 28, 2002